

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

December 18, 2008



Planning Variance PV 08-35: Buckey Turk

CASE DESCRIPTION: a request for approval of a variance from the design standards for commercial parking areas, to allow the backing of vehicles from an existing commercial parking area into Royal Street in conjunction with the redevelopment of the subject property

LOCATION: 106 Royal Street between South College and Cavitt Avenues

LEGAL DESCRIPTION: Lot 1, Block 1, Ice House Subdivision

ZONING: South College – Business District (SC-B)

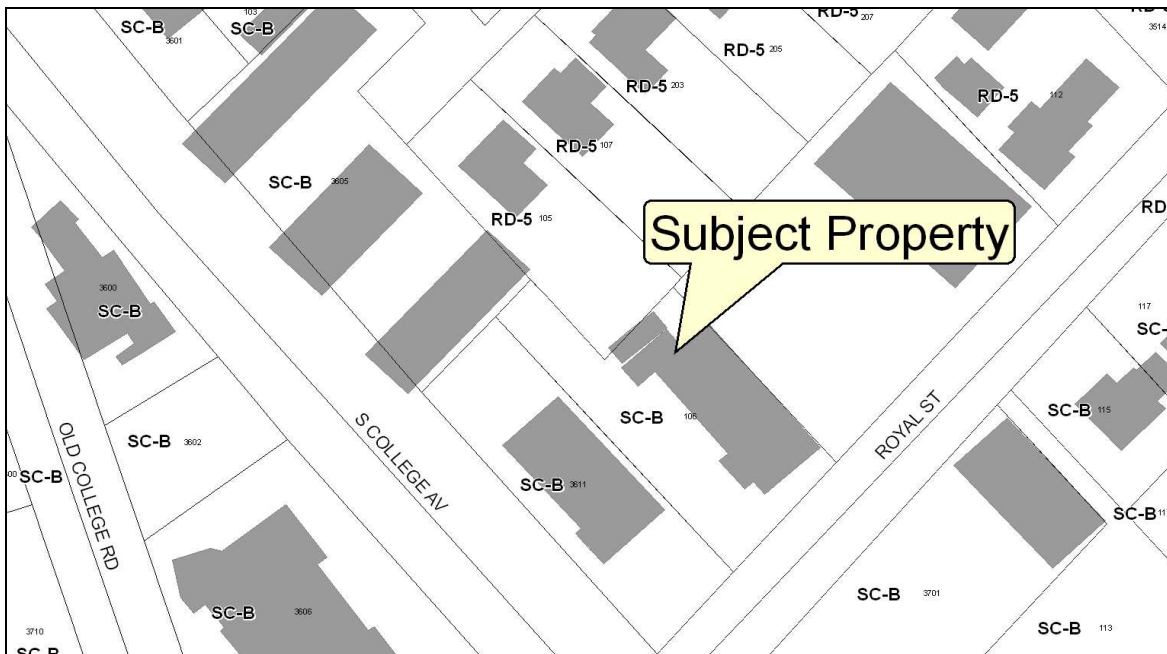
EXISTING LAND USE: legally non-conforming warehouse

APPLICANT: Mr. Buckey Turk

STAFF CONTACT: Randy Haynes, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **denying** the requested variance.

LOCATION MAP:



AERIAL PHOTOGRAPH (2008)



SUBJECT PROPERTY:



BACKGROUND:

The subject property is 0.44 acres in size and adjoins the north side of Royal Street between South College and Cavitt Avenues. Previously the use of the property was an ice manufacturing business. The applicant, Mr. Buckey Turk, desires to use the existing structure on the property for warehouse storage.

Mr. Turk purchased the property in 2006. Mr. Turk was notified that installation of curbing, landscaping and a sidewalk would be required along Royal Street in accordance with Land and Site Development Ordinance. Mr. Turk is requesting variance from the design standards for commercial parking areas, to allow the backing of vehicles from the existing commercial parking area into Royal Street.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from the minimum number of required off-street parking spaces stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

The applicant purchased the property with knowledge of local ordinances and is currently using the property. The applicant has identified no special circumstances or conditions affecting the land where strict application of the development regulations will deprive the owner reasonable use of the property.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

Other parking options exist on the site. Staff contends that the applicant will be able to provide adequate parking for the use proposed without retaining a layout that will require the use of head-in-parking. Staff therefore contends that granting the variance is not necessary for the preservation and enjoyment of substantial property rights of the applicant.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Bryan ordinance enacted in 1987 imparts that commercial head in parking along most streets is inherently unsafe. Staff contends that the applicant has not presented evidence that the proposed variance will favorably mitigate this fundamental aspect.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Redevelopment along Royal Street over the past few years has seen adjacent property owners improve in their properties to comply with current development ordinances. Staff contends that granting the requested variance will diminish efforts and improvements made by adjacent property owners and thus prevent or slow orderly redevelopment.

RECOMMENDATION:

Based on failure to meet the criteria set by ordinance for approval, staff recommends **denying** the requested variance.